

### **REMARKS**

Claims 1-31 are pending in the application and stand rejected. By the present amendment, claims 1, 14, 15, 18, 26, and 27 have been amended, claims 2-4, 13, and 25 have been canceled without prejudice, and claim 32 has been added. The Examiner's reconsideration of the rejection in view of the above amendments and the following remarks is respectfully requested.

#### **Claim Rejections- 35 U.S.C. § 112**

Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, for the reasons set forth on page 2 of the Office Action.

Claims 2-4 have been canceled without prejudice. Thus, Applicants respectfully submit that the cancellation of claims 2-4 overcome the 35 U.S.C. 112, second paragraph, rejection. Therefore, withdrawal of the above rejection is respectfully requested.

#### **Claim Rejections- 35 U.S.C. § 102:**

Claims 1, 9-10 and 16-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Chung et al. (U.S. Patent No. 6,383,912). Claims 1-4, 6-12, 14-16, 18-24, and 26-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nagahara et al. (U.S. Patent Pub. No. 2003/0157806).

Although Applicants respectfully disagree with the above rejections, claims 1 and 18 have been amended to include *forming an anti-reflective layer on the sacrificial layer*. In addition, Applicants believe the amendment to claims 1 and 18 places the application in condition for allowance since neither Chung nor Nagahara teach or suggest a method of forming a via contact

structure comprising, *inter alia*, forming an anti-reflective layer on a sacrificial layer, as essentially claimed in claims 1 and 18.

Claims 6-12 and 14-17 depend from claim 1, and claims 19-24 and 26-28 depend from claim 18. As such, these claims are believed to be allowable for at least the same reasons as given for their respective base claims 1 and 18.

Therefore, withdrawal of the anticipation rejections is respectfully requested.

**Claim Rejections- 35 U.S.C. § 103:**

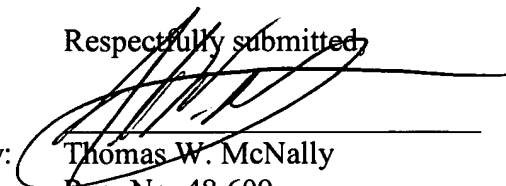
Claim 30 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Chung. Claims 6-8, 11-12, 14-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chung in view of Nagahara. Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Chung in view of Usami (U.S. Patent 6,514,852). Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Chung in view of Nagahara and in further view of Kim et al. (U.S. Patent 6,573,168). Claims 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagahara in view of Kim. Claims 29 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagahara in view of Chung.

The above rejections are based, in part, on the contention that Chang and Nagahara disclose the elements of claims 1 and 18, respectively. However, since claims 1 and 18 are patentably distinct from Chang and Nagahara as described above, each of the above combinations are legally deficient to establish a prima facie case of obviousness because the combinations do not disclose or suggest all of the claim elements.

Accordingly, withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested.

Claim 32 has been added to further define the invention and is believed to be allowable for at least the same reasons as claims 1 and 18.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application is in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,  
  
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